

RESOLUTION NO. 1992 -148

AUTHORIZING THE GRANT OF A SUBSURFACE EASEMENT TO CENTERIOR ENERGY FOR THE INSTALLATION AND OPERATION OF CONDUITS AND CABLES IN CONNECTION WITH THE HORIZON SUBSTATION IMPROVEMENTS ACROSS LANDS OWNED BY THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY AT CANAL ROAD BELOW THE EAGLE AVENUE RAMP IN CLEVELAND, OHIO.

WHEREAS, Centerior Energy (FKA Cleveland Electric Illuminating Company) whose address is 6200 Oaktree Boulevard, Independence, Ohio is constructing a power substation in connection with the Gateway Stadium and Arena Project; and

WHEREAS, in order to complete this substation and to deliver electrical power to the Gateway facility, Centerior Energy needs subsurface occupancy rights across lands owned by GCRTA as described in Exhibit "A" attached hereto; and

WHEREAS, Centerior Energy has offered to acquire said occupancy rights from this Authority for \$1,000 plus other good and valuable consideration; and

WHEREAS, the requested occupancy will not interfere with any current or future use of the Authority's lands; and

WHEREAS, the consideration offered by Centerior Energy is a reasonable consideration.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority that:

Section 1: The offer of Centerior Energy to occupy the subsurface of lands described in attachment "A" is hereby accepted.

Section 2: The General Manager is authorized to execute on behalf of the Authority all documents necessary to effect a grant of subsurface easement rights to Centerior Energy for the purpose of the installation, operation and maintenance of subsurface conduits and cables.

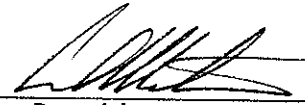
Section 3: The proceeds of this transaction shall be deposited into the General Fund.

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Section 4: This resolution shall take effect immediately upon its adoption and execution by President of the Board of Trustees.

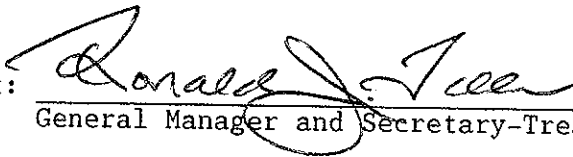
Adopted: August 18, 1992.

**Attachment:** Attachment A is a legal description of the proposed easement area.



\_\_\_\_\_  
President

Attest:



\_\_\_\_\_  
General Manager and Secretary-Treasurer

Attachment A  
Greater Cleveland Regional  
Transit Authority  
Resolution No. 1992 -

EASEMENT DESCRIPTION:

GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY  
P.P. NUMBER 101-31-34

C.E.I. FILE NUMBER E-16870 68992

A non-inclusive subsurface easement for the installation, operation, and maintenance of electrical ducts and cables only, below the surface of a plane at the 600 foot elevation (Cleveland Datum) and above a surface defined by the 590 foot elevation (Cleveland Datum) and bounded and described by vertical planes described as follows:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 140 in the Walworth & Kelley Allotment as shown in recorded plat Volume 2, Page 26, Cuyahoga County Map Records, also being part of parcel 101 conveyed to Greater Cleveland Regional Transit Authority, by deed dated September 5, 1975 and recorded in Volume 13869, Page 547 of Cuyahoga County Records, bounded and described as follows:

Beginning at the intersection of the northeasterly line of Canal Road, S.E., and the northwesterly line of Scranton Road, S.E., formerly known as Eagle Avenue, S.E., 66 feet wide;

Course 1:

Thence north 7 degrees 14 minutes 30 seconds west along the said northeasterly line of Canal Road, which is also the westerly line of Sublot 140, 15 feet to a point;

Course 2:

Thence south 65 degrees 29 minutes 27.5 seconds east 15.79 feet to a point in said northeasterly line of Scranton Road, aforesaid;

Course 3:

Thence south 56 degrees 15 minutes 35 seconds west 15 feet to a point, said point being the principal place of beginning, containing .0023 square acres more or less, but subject to all legal highways.